IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH, JAIPUR

ORDER

S.B. CRIMINAL MISC. BAIL APPL. NO.7615/2006
Nitu V. THE STATE OF RAJASTHAN

Date of order ::: December 22, 2006

PRESENT
HON'BLE MR. JUSTICE PREM SHANKER ASOPA

Mr.Dinesh Kumar Garg, for the applicant.
Mr.R.P. Kuldeep, PP for the State.

This is a bail application under Section 439 Cr.P.C. arising out of FIR No.341/2003 registered at Police Station Kotwali, District Dholpur for the offence under Section 302, 201 & 34 IPC.

Heard learned counsel for the applicant as well as the learned Public Prosecutor and perused the material / case diary made available to me during the arguments of the case..

The submission of counsel for the applicant is that in respect of the same FIR No.341/2003, trial was faced the main accused Jeetu who has been acquitted also, but the investigation was kept pending against him under Section 173 (8) and now the accused applicant has been arrested. As per the evidence collected during investigation, the mother of the deceased has seen Jeetu and Nitu to take the deceased from his house, which is a very weak

piece of circumstantial evidence. Considering the fact of acquittal of Jeetu, the applicant be also enlarged on bail.

Learned Public Prosecutor has opposed the bail application and submitted that it is not a fit case for grant of bail.

Without expressing any opinion on the aforesaid submissions on merits and demerits of the case and taking into consideration the entire facts and circumstances of the case, I am inclined to grant bail to the applicant.

It is, therefore, ordered that applicant Nitu @ Arvind S/o Amar Singh shall be released on bail, provided he furnishes a personal bond in the sum of Rs.30,000/- (Rupees Thirty Thousand only) together with two sureties in the sum of Rs.15,000/- to the satisfaction of the learned trial court for his appearance before that Court as and when called upon to do so during pendency of the trial against him arising out of FIR No.341/2003 registered at Police Station Kotwali, District Dholpur.

(PREM SHANKER ASOPA) J.

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